



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 21, 1995

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
Post Office Box 660163
Dallas, Texas 75266-7255

OR95-1557

Dear Mr. Castaneda:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37202.¹

The Dallas Area Rapid Transit ("DART") received a request for the names of employees who have, since 1983, settled lawsuits against DART. You have provided those names to the requestor. However, the requestor also seeks the dollar amounts of each settlement. You have released most of this information, but contend that information regarding the settlement of three lawsuits may not be disclosed pursuant to section 552.107(2) of the Government Code. We will refer to the settlements as the Roberts, Calderon, and Malone settlements.

¹We note that the open records laws were substantially amended by the Seventy-fourth Legislature. Act of May 29, 1995, 74th Leg., R.S., ch. 1035, 1995 Tex. Sess. Law Serv. 5127 (Vernon) (to be codified as amendments to Gov't Code ch. 552). The amendments to chapter 552 "affecting the availability of information, the inspection of information, or the copying of information, including the costs for copying information, apply only to a request for information that is received by a governmental body on or after September 1, 1995." *Id.* § 26(a), 1995 Tex. Sess. Law Serv. at 5142 (Vernon).

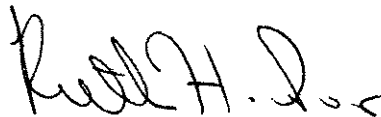
Section 552.107(2) provides that information is excepted from disclosure if "a court by order has prohibited disclosure of the information." In Open Records Decision No. 415 (1984) at 2, this office determined that a court order directing that settlement terms be kept confidential would except the information from disclosure under section 552.107(2):

The order of dismissal in this case, which was signed by the judge of the 103rd District Court, expressly provides that "the terms of the settlement shall not be disclosed by the parties or their attorneys." Although we have grave doubts as to whether the judge was authorized to issue an order of this nature, the fact remains that the order is extant. In light of this, we must reluctantly conclude that the requested materials are excepted from required disclosure by [section 552.107(2)].

You submitted to this office two court orders, signed by district judges, expressly providing that the parties and their attorneys not disclose the terms of the agreement. The signed orders you submitted were in the Roberts and Calderon settlements. Thus, the requested amounts of the Roberts and Calderon settlements may not be disclosed by court order and pursuant to section 552.107(2). However, you did not submit to this office a *signed* order in the Malone settlement. Thus, you did not meet your burden under chapter 552 of the Government Code to show that the amount of the Malone settlement must be withheld from disclosure.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

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²We note that if there is such a signed order, the information may not be disclosed.

Ref.: ID# 37202

cc: Mr. Brett Shipp
Reporter
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